

09-15-04

Page 1 of 2

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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P.O. Box 1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/751,612	01/05/2004	T. Erik Mirkov	017575.0774 (TAMUS 1910)

CONFIRMATION NO. 2393

05073  
BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

## FORMALITIES LETTER



\*OC000000013263405\*

Date Mailed: 07/16/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

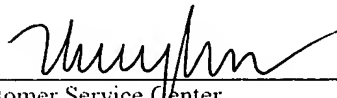
Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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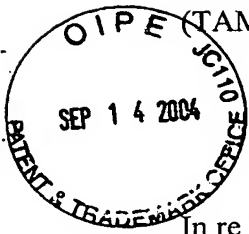
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: T. Erik Mirkov et al.  
Serial No.: 10/751,612  
Filing Date: January 5, 2004  
Group Art Unit: 1638  
Examiner: Unassigned  
Confirmation No.: 2393  
Title: *Stem-Regulated, Plant Defense Promoter and Uses Thereof in Tissue-Specific Expression in Monocots*

**MAIL STOP MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this communication and attached documents are being deposited with the United States Postal Service as Express Mail No. EV351288200US addressed to: Mail Stop Missing Parts, Commissioner for Patents, Arlington Virginia, 22313-1450 on September 14, 2004.

  
Angela Loding

Dear Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

In response to the Notice to File Missing Parts of Nonprovisional Application mailed July 16, 2004, Applicants respectfully submit the following:

- a) A copy of the Notice to File Missing Parts of Nonprovisional Application dated July 16, 2004;
- b) A Declaration of Inventors, executed by T. Erik Mirkov, Mona B. Damaj, Avutu Reddy, Terry L. Thomas, Keerti S. Rathore, Chandrakanth Emani, and Siva Prasad Kumpatla.
- c) A Power of Attorney executed by R. Page Heller, Interim Executive Director of the Technology Licensing Office for The Texas A&M University System;

- d) A Verified Statement Claiming Small Entity Status executed by R. Page Heller, Interim Executive Director of the Technology Licensing Office for the Texas A&M University System;
- e) A check in the amount of \$65 to cover the fee for missing parts claiming small entity;
- f) An Assignment of the invention to **The Texas A&M University System**. is attached. A cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31 is included with the Assignment recordation fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h); and
- g) Preliminary Amendment and Submission of Sequence Listing.

Applicants believe all necessary items have now been forwarded to the U.S. Patent and Trademark Office for filing in the above-identified nonprovisional patent application.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants



Michelle M. LeCointe  
Reg. No. 46,861

Date: 9/14/04

Correspondence Address:  
Baker Botts L.L.P.

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